

honoring the victims of the Holocaust and recognizing the vital work of the United States Holocaust Memorial Museum.

I am most grateful for the co-sponsorship of Senators VOINOVICH, REID, COLEMAN, COLLINS and SMITH.

SENATE CONCURRENT RESOLUTION 77—EXPRESSING THE SENSE OF CONGRESS SUPPORTING VIGOROUS ENFORCEMENT OF THE FEDERAL OBSCENITY LAWS

Mr. SESSIONS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 77

Whereas the Supreme Court in *Miller v. California*, 413 U.S. 15 (1973) held that obscene material is "unprotected by the first amendment" (413 U.S. at 23) and that obscenity laws can be enforced against "'hard core' pornography" (413 U.S. at 28);

Whereas the Miller Court stated that "to equate the free and robust exchange of ideas and political debate with commercial exploitation of obscene material demeans the grand conception of the first amendment and its high purposes in the historic struggle for freedom." (413 U.S. at 34);

Whereas the Supreme Court in *Paris Adult Theatre I v. Slaton*, 413 U.S. 49 (1973) recognized that there are legitimate governmental interests at stake in stemming the tide of obscene materials, which include—

(1) protecting "the quality of life and total community environment" (413 U.S. at 58);

(2) protecting "public safety" (413 U.S. at 58);

(3) maintaining "a decent society" (413 U.S. at 59-60);

(4) protecting "the social interest in order and morality" (413 U.S. at 61); and

(5) protecting "family life" (413 U.S. at 63);

Whereas Congress, in an effort to protect these same legitimate governmental interests, enacted legislation in 1988 to strengthen federal obscenity laws and in 1996 to clarify that use of an interactive computer service to transport obscene materials in or affecting interstate or foreign commerce is prohibited;

Whereas the 1986 Final Report of the Attorney General's Commission on Pornography found that "increasingly, the most prevalent forms of pornography" fit the description of "sexually violent material" (p. 323) and that "an enormous amount of the most sexually explicit material available" can be categorized as "degrading" to people, "most often women" (p. 331);

Whereas the Internet has become a conduit for hardcore pornography that now reaches directly into tens of millions of American homes, where even small children can be exposed to Internet obscenity and older children can easily find it;

Whereas a national opinion poll conducted in March 2002 by Wirthlin Worldwide marketing research company found that 81 percent of adult Americans say that "Federal laws against Internet obscenity should be vigorously enforced";

Whereas a May 2 report from the National Academies' National Research Council stated that "aggressive enforcement of existing antiobscenity laws can help reduce children's access to certain kinds of sexually explicit material on the Internet";

Whereas vigorous enforcement of obscenity laws can help reduce the amount of "virtual child pornography" now readily available to sexual predators; and

Whereas it continues to be the desire of the People of the United States of America and their representatives in Congress to recognize and protect the governmental interests recognized as legitimate by the United States Supreme Court in *Paris Adult Theatre I v. Slaton*, 413 U.S. 49 (1973): Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Federal obscenity laws should be vigorously enforced throughout the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1976. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1977. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2800, supra.

SA 1978. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1979. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1980. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1981. Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1982. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1983. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1984. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1985. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1986. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1987. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1988. Mr. LEAHY (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2800, supra.

SA 1989. Mr. MCCONNELL (for Mr. CRAIG (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1990. Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2800, supra.

SA 1991. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 1992. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1993. Mr. SESSIONS (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 1994. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2800, supra.

SA 1995. Mr. ALLARD (for himself, Mr. SMITH, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2800, supra.

SA 1996. Mr. ALLEN (for himself, Mr. LEAHY, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1997. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1998. Ms. LANDRIEU (for herself, Ms. MIKULSKI, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, supra.

SA 1999. Mr. KENNEDY submitted an amendment intended to be proposed by him

to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 2000. Mr. DORGAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 2001. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2002. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2800, supra.

SA 2003. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, supra.

SA 2004. Mr. REID (for Mr. FEINGOLD (for himself, Mr. CAMPBELL, Mr. WYDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 2005. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2006. Mr. REID (for Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, supra.

SA 2007. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2008. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 2800, supra.

SA 2009. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2010. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2011. Mr. REID (for Mr. INOUE) proposed an amendment to the bill H.R. 2800, supra.

SA 2012. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill H.R. 2800, supra.

SA 2013. Mr. MCCONNELL (for Mr. ALLEN (for himself, Mr. LEAHY, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2800, supra.

SA 2014. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, supra.

SA 2015. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, supra.

SA 2016. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, supra.

SA 2017. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2018. Mr. MCCONNELL (for Mr. ENSIGN) proposed an amendment to the bill H.R. 2800, supra.

SA 2019. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2020. Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2021. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2800, supra.

SA 2022. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2023. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2800, supra.

SA 2024. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1976. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

SA 1977. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term "HIV/AIDS prevention" means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

SA 1978. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 1 after the colon insert the following:

Provided further, That \$5,000,000 shall be made available to promote freedom of the media and an independent media in Russia:

SA 1979. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13, line 22 before the period, insert the following:

: Provided further, That if the President determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations

SA 1980. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, line 6 strike "costs" and insert the following:

"cost, including the cost of modifying such direct and guaranteed loans."

On page 14, line 7 before the period insert the following:

: Provided further, That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts

SA 1981. Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON ADMISSION OF REFUGEES

SEC. 692. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of U.S. refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State, shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the

United Nations High Commission for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

SA 1982. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 17, after "Afghan" insert the following Independent

SA 1983. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 35, line 10, after the semi-colon, insert: and

On page 35, line 12, strike "; (3)" and insert in lieu thereof the following: *: Provided further*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that

On page 35, line 15, strike "; and" and insert in lieu thereof the following: *: Provided further*, That

SA 1984. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 105, line 25, strike "180 days" and insert in lieu thereof the following: one year

On page 106, line 3, strike "nongovernmental" and everything that follows through "plan" on line 6, and insert in lieu thereof the following: governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy

On page 106, line 10, strike "\$10,000,000" and insert in lieu thereof the following: \$5,000,000

On page 106, line 11, strike "implement the action plan" and insert in lieu thereof the following: develop the strategy

SA 1985. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 87, line 23, strike "That in" and everything thereafter through "subsection" on line 24, and insert in lieu thereof the following: That the application of section 507(4)(D) and (E) of such Act

On page 87, line 26 strike "the" and everything thereafter through "subsection" on page 88, line 1, and insert in lieu thereof the following: and

SA 1986. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 20, line 9, before the colon, insert the following: , of which up to \$1,000,000 may be available for administrative expenses of the United States Agency for International Development

SA 1987. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations to foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 17, strike "\$2,500,000" and insert in lieu thereof: \$3,500,000

SA 1988. Mr. LEAHY (for Mr. SCHUMER (for himself, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

SA 1989. Mr. MCCONNELL (for Mr. CRAIG (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 15 after the colon insert the following:

Provided further, That of the funds made available pursuant to this section, not less than \$5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American universities: *Provided further*, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses:

SA 1990. Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 32, line 7, before the colon insert the following:

, of which \$2,105,000 should be made available for construction and completion of a new facility

SA 1991. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, line 17, after the colon insert the following:

Provided further, That of the funds made available pursuant to the previous proviso, \$2,000,000 shall be made available for the Ibn Khaldun Center for Development:

SA 1992. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 20, after "proviso:" insert "*Provided further*, That of the funds appropriated under this heading, not less than \$15,000,000 shall be available for the Global Tuberculosis Drug Facility:"

SA 1993. Mr. SESSIONS (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 8, strike the period and insert "*Provided further*, That of the funds appropriated under this heading, not less than \$29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: *Provided further*, That of the funds appropriated under this heading, not less than \$46,000,000 shall be made available for blood safety programs, including the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs."

SA 1994. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence

Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

SA 1995. Mr. ALLARD (for himself, Mr. SMITH, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS
TO INDONESIA

Sec. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that the national security interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

SA 1996. Mr. ALLEN (for himself, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 10, before the period insert "Provided further, That \$5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property".

SA 1997. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated by title II, under the heading "TRANSITION INITIATIVES", not less than \$5,000,000 shall be available for support for eligible Cuban recipients and independent nongovernmental organizations to support democracy-building efforts for Cuba, including providing support for—

(1) political prisoners held in Cuba and members of their families;

(2) persons persecuted or harassed for dissident activities in Cuba;

(3) independent libraries in Cuba;

(4) independent workers' rights activists in Cuba;

(5) independent agricultural cooperatives in Cuba;

(6) independent associations of self-employed Cubans;

(7) independent journalists in Cuba;

(8) independent youth organizations in Cuba;

(9) independent environmental groups in Cuba;

(10) independent economists, medical doctors, and other professionals in Cuba;

(11) the establishment and maintenance of an information and resources center to be located in the United States Interests Section in Havana, Cuba;

(12) prodemocracy programs of the National Endowment for Democracy that are related to Cuba;

(13) nongovernmental programs to facilitate access to the Internet in Cuba, subject to section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e));

(14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk in Cuba, including children and elderly persons; and

(15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "eligible Cuban recipient" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to any allocation or transfer of funds made pursuant to this section.

SA 1998. Ms. LANDRIEU (for herself, Ms. MIKULSKI, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) None of the funds made available by title II under the heading "INTERNATIONAL DISASTER ASSISTANCE", "TRANSITION INITIATIVES", "MIGRATION AND REFUGEE ASSISTANCE", or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" or made available for such accounts by any other provision of law for fiscal year 2004 to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for

the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

(d) In this section, the term "complex humanitarian emergency" means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

SA 1999. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Secretary of State shall promptly make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2000. Mr. DORGAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30,

2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11 hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding the intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

This section shall take effect one day after the date of this bill's enactment.

SA 2001. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 8, before the period, insert the following:

: *Provided further*, That of the funds appropriated under this heading, not less than \$28,000,000 shall be made available for a United States contribution to UNAIDS

SA 2002. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

“(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

“(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

“(ii) the response of the government of that country to such acts of violence; and

“(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith.

SA 2003. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 21, line 18, after the comma insert the following: “That of the funds appropriated under this heading, up to \$15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: *Provided further*,”

SA 2004. Mr. REID (for Mr. FEINGOLD (for himself, Mr. CAMPBELL, Mr. WYDEN, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the co-operation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

SA 2005. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financ-

ing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 692. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after “25 percent of the rate of basic pay” the following: “or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay”.

(b) Section 5928 of title 5, United States Code, is amended by inserting after “25 percent of the basic pay of the employee” both places it appears the following: “or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development”.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

SA 2006. Mr. REID (for Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 692. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

SA 2007. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON SIERRA LEONE

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

SA 2008. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 40, line 18, insert after “Commission” the following: “and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004”.

SA 2009. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON SOMALIA

SEC. 692. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

SA 2010. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 692. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

“SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.”

SA 2011. Mr. REID (for Mr. INOUE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7 insert the following new section:

GUINEA WORM ERADICATION PROGRAM

SEC. 692. Of the funds made available in title II under the headings “CHILD SURVIVAL AND HEALTH PROGRAMS FUND” and “DEVELOPMENT ASSISTANCE”, not less than \$5,000,000 may be made available for the Carter Center’s Guinea Worm Eradication Program.

SA 2012. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill H.R. 2800, making appropriations for

foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 46, line 15, insert after “resources” the following: “and to providing opportunities for the inclusion of persons with disabilities”.

SA 2013. Mr. MCCONNELL (for Mr. ALLEN (for himself, Mr. LEAHY, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 32, line 10, before the period insert “: *Provided further*, That \$5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property”.

SA 2014. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 78, line 25, strike “funds” and all that follows through “Iran:” on page 79, line 3, and insert the following: “not to exceed \$5,000,000 of such funds may be used in coordination with the Middle East Partnership Initiative for making grants to educational, humanitarian and nongovernmental organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran.

SA 2015. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its “Patterns of Global Terrorism 2002” report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not initially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al-Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government.

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

SA 2016. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, line 18 after the first comma add the following:

“That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: *Provided further*,”

SA 2017. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike title III, and insert the following:

TITLE III—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 301. SHORT TITLE.

This title may be cited as the “Millennium Challenge Act of 2003”.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that “America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries.” The President also called for a “new compact for global development, defined by new accountability for both rich and poor nations” and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) **PURPOSES.**—The purposes of this title are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 305; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 303. DEFINITIONS.

In this title:

(1) **BOARD.**—The term “Board” means the Millennium Challenge Board established by section 304(c).

(2) **CANDIDATE COUNTRY.**—The term “candidate country” means a country that meets the criteria set out in section 306.

(3) **CEO.**—The term “CEO” means the chief executive officer of the Corporation established by section 304(b).

(4) **CORPORATION.**—The term “Corporation” means the Millennium Challenge Corporation established by section 304(a).

(5) **ELIGIBLE COUNTRY.**—The term “eligible country” means a candidate country that is determined, under section 307, as being eligible to receive assistance under this title.

(6) **MILLENNIUM CHALLENGE ACCOUNT.**—The term “Millennium Challenge Account” means the account established under section 322.

SEC. 304. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.

(a) **ESTABLISHMENT OF THE CORPORATION.**—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in this title.

(b) **CEO OF THE CORPORATION.**—

(1) **IN GENERAL.**—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) **APPOINTMENT.**—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) **RELATIONSHIP TO THE SECRETARY OF STATE.**—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) **DUTIES.**—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this title is coordinated with other United States economic assistance programs.

(5) **EXECUTIVE LEVEL II.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Millennium Challenge Corporation.”.

(c) **MILLENNIUM CHALLENGE BOARD.**—

(1) **ESTABLISHMENT OF THE BOARD.**—There is established a Millennium Challenge Board.

(2) **COMPOSITION.**—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) **FUNCTIONS OF THE BOARD.**—The Board shall perform the functions specified to be carried out by the Board in this title.

SEC. 305. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.

(a) **AUTHORITY.**—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this title set out in section 302(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this title may be provided notwithstanding any other provision of law, except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(1) cause the substantial loss of United States jobs or the displacement of United States production; or

(2) pose an unreasonable or major environmental, health, or safety hazard.

(b) **EXCEPTION.**—Assistance under this title may not be used for military assistance or training.

(c) **FORM OF ASSISTANCE.**—Assistance under this title may be provided in the form of grants to eligible entities.

(d) **COORDINATION.**—The provision of assistance under this title shall be coordinated with other United States foreign assistance programs.

(e) **APPLICATIONS.**—An eligible entity seeking assistance under this title to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 306. CANDIDATE COUNTRY.

(a) **IN GENERAL.**—A country is a candidate country for the purposes of this title—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than \$5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than \$5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) **LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.**—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 307. ELIGIBLE COUNTRY.

(a) **DETERMINATION BY THE BOARD.**—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth and the sustainable use of natural resources; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) **ASSESSING ELIGIBILITY.**—

(1) **IN GENERAL.**—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved indicators shall be used in selecting eligible countries.

(2) **ANNUAL PUBLICATION OF INDICATORS.**—

(A) **INITIAL PUBLICATION.**—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) **FINAL PUBLICATION.**—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) **CONSIDERATION OF PUBLIC COMMENT.**—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 308. ELIGIBLE ENTITY.

(a) **ASSISTANCE.**—Any eligible entity may receive assistance under this title to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) **DETERMINATIONS OF ELIGIBILITY.**—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) **ELIGIBLE ENTITIES.**—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 309. MILLENNIUM CHALLENGE CONTRACT.

(a) **IN GENERAL.**—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 302(b).

(b) **CONTENT.**—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this title; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) **REQUIREMENT FOR CONSULTATION.**—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) **REQUIREMENT FOR APPROVAL BY THE BOARD.**—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 310. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 311. DISCLOSURE.

(a) **REQUIREMENT FOR DISCLOSURE.**—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this title—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this title has been effective in helping the eligible country to achieve such objectives.

(b) **DISSEMINATION.**—The information required to be disclosed under subsection (a)

shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 312. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.

(a) **AUTHORITY.**—Notwithstanding any other provision of this title and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) **CONDITIONS.**—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 307 because of—

(1) the unreliability of data used to assess its eligibility under section 307; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 307.

(c) **LIMITATION.**—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 313. ANNUAL REPORT TO CONGRESS.

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this title during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this title with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this title with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this title.

SEC. 314. POWERS OF THE CORPORATION.

(a) **POWERS.**—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this title.

(b) **CONTRACTING AUTHORITY.**—The functions and powers authorized by this title may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 315. COORDINATION WITH USAID.

(a) **REQUIREMENT FOR COORDINATION.**—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) **USAID PROGRAMS.**—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 307.

SEC. 316. PRINCIPAL OFFICE.

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 317. PERSONNEL AUTHORITIES.

(a) **REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.**—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) **RELATIONSHIP TO OTHER LAWS.**—

(1) **INAPPLICABILITY OF CERTAIN LAWS.**—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) **APPLICATION OF CERTAIN LAWS.**—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) **RELATIONSHIP TO RETIREMENT BENEFITS LAWS.**—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(C) **APPOINTMENT AND TERMINATION.**—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(D) **COMPENSATION.**—

(1) **AUTHORITY TO FIX COMPENSATION.**—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) **LIMITATIONS ON COMPENSATION.**—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(E) **TERM OF EMPLOYMENT.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) **EXCEPTED POSITIONS.**—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) **WAIVER.**—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this title.

(F) **AUTHORITY FOR TEMPORARY EMPLOYEES.**—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(G) **DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.**—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a non-reimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(H) **REINSTATEMENT.**—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 318. PERSONNEL OUTSIDE THE UNITED STATES.

(A) **ASSIGNMENT TO UNITED STATES EMBASSIES.**—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(B) **PRIVILEGES AND IMMUNITIES.**—The Secretary of State shall seek to ensure that an employee of the Corporation, including an

individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(C) **RESPONSIBILITY OF CHIEF OF MISSION.**—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 319. USE OF SERVICES OF OTHER AGENCIES.

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this title.

SEC. 320. ADMINISTRATIVE AUTHORITIES.

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this title.

SEC. 321. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.

The Corporation shall be subject to chapter 91 of title 31, United States Code.

SEC. 322. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this title shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 323. AUTHORIZATION OF APPROPRIATIONS.

(A) **IN GENERAL.**—There are authorized to be appropriated to carry out the provisions of this title \$1,000,000,000 for fiscal year 2004, \$2,300,000,000 for fiscal year 2005, and \$5,000,000,000 for fiscal year 2006.

(B) **AVAILABILITY.**—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(C) **ALLOCATION OF FUNDS.**—

(1) **IN GENERAL.**—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) **NOTIFICATION.**—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SEC. 324. APPROPRIATIONS.

(A) **IN GENERAL.**—There is hereby appropriated \$1,000,000,000 for fiscal year 2004, to remain available until expended, to carry out the provisions of this title to provide assistance for countries that have demonstrated commitment to—

(1) just and democratic governance;

(2) economic freedom; and

(3) investing in the well-being of their own people.

(B) **NOTIFICATION.**—Funds appropriated under this title shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

SA 2018. Mr. MCCONNELL (for Mr. ENSIGN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated in Title II, under the heading "Transition Initiatives" not more than \$5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to any allocation or transfer of funds made pursuant to this section.

SA 2019. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 3, before the colon, insert the following:

: *Provided further*, That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster

On page 23, line 8, before the period, insert the following:

: *Provided further*, That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs

SA 2020. Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

RESPONSIBLE JUSTICE AND RECONCILIATION
MECHANISMS IN CENTRAL AFRICA

SEC. 692. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", \$12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

SA 2021. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 77, beginning on line 20, strike "not to exceed \$3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China;" and insert "not to exceed \$4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to \$3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities:"

SA 2022. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 53, line 21, strike "\$8,898,000" and insert in lieu thereof the following: \$898,000

On page 55, line 26, strike "\$314,550,000" and insert in lieu thereof the following: \$322,550,000

SA 2023. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. The Secretary of State should make publicly available prices paid to pur-

chase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2024. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, strike line 3 and insert the following:

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY
FUND

On page 22, line 10, insert "except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act," after "law,"

On page 74, line 22, insert "except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act" before the colon.

On page 147, between lines 6 and 7, insert the following new section:

ASSISTANCE FOR HIV/AIDS

SEC. 692. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

"(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.";

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

"(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act)."; and

(3) in section 301(f), by inserting ", except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency" after "trafficking".

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON COMMERCE, SCIENCE AND
TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 28, 2003, at 9:30 a.m. on dietary supplements.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 28, 2003, at 10:15 a.m. to hold a hearing on Iran: Security Threats & U.S. Policy.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, October 28, 2003, at 10 a.m. on "Judiciary Nominations," in the Dirksen Senate Office Building room 226.

Agenda:

Panel I: Senators.

Panel II: Claude A. Allen to be United States Circuit Judge for the Fourth Circuit.

Panel III: Mark R. Filip to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, October 28, 2003, at 9:30 a.m. in room 301 Russell Senate Office Building to conduct a confirmation hearing on four Presidential nominees to the Election Assistance Commission.

The nominees are Paul S. DeGregorio (R) of Missouri, 2 year term; Gracia M. Hillman (D) of the District of Columbia, 2 year term; Deforest "Buster" Soaries (R) of New Jersey, 4 year term; and Raymundo Martinez III (D) of Texas, 4 year term.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, on behalf of Senator MIKULSKI, I ask unanimous consent that Lesley Werthamer, a State Department fellow in her office, be granted the privilege of the floor during consideration of the foreign operations bill, H.R. 2800.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that Michael Mattler, a detailee from the State Department to the Foreign Relations Committee staff be granted floor privileges during consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Darcy Zotter, a fellow on my staff, be allowed the privilege of the floor during debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that Daniela Ligiero, a fellow in Senator BINGAMAN's office, be granted the privileges